
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-07415-JLS-JC

Date: September 05, 2024

Title: Jerome Christensen et al v. Elutia Inc., et al

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Lynnie Fahey
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR LACK OF
SUBJECT MATTER JURISDICTION**

Plaintiffs filed this action on August 30, 2024, asserting claims for negligence, strict products liability, breach of implied warranty of merchantability, and loss of consortium. (*See* Compl., Doc 1.) Plaintiffs invoke the Court’s diversity jurisdiction under 18 U.S.C. § 1332. (*Id.* at 5.)

A federal court has diversity jurisdiction under 28 U.S.C. § 1332 if the parties to the action are citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a). To invoke federal jurisdiction, the “plaintiff must affirmatively allege [the] essential elements of diversity jurisdiction.” *Mann v. City of Tustin*, 782 F.2d 790, 794 (9th Cir. 1986).

Here, Plaintiffs allege that they “have been and are residents of the State of California, residing in Santa Maria California.” (*Compl.* at 2.) The diversity jurisdiction statute, however, speaks of citizenship, not residency. 28 U.S.C. § 1332(a); *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001) (“A person residing in a given state is not necessarily domiciled there, and thus is not necessarily a citizen of that state.”). Thus, Plaintiffs have not adequately alleged their citizenship.

The Court’s exercise of diversity jurisdiction is strictly construed, *see Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1092 (9th Cir. 1983) (citing *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108–09 (1941)), and the Court is “obliged to inquire

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sua sponte whenever a doubt arises as to [its] existence ...” *Mt. Healthy City Sch. Dist. Bd. Of Educ. V. Doyle*, 429 U.S. 274, 278 (1977) (citations omitted).

Accordingly, Plaintiffs are ORDERED to show cause, in writing (no longer than five (5) pages), **within seven (7) days of the date of this Order**, why the Court should not dismiss this action for lack of subject matter jurisdiction. Failure to timely respond will result in the immediate dismissal of the case.

Initials of Preparer: lfa